

NOTICE

To Police Officer Candidates

Please be advised that in accordance with the provisions of Chapter 697, Section 117 of the Acts of 1987, no person who smokes any tobacco products shall be eligible for appointment as a Police Officer from the eligible list established June 7, 1988, and no person appointed from that list shall continue in such office or position if such person thereafter smokes any tobacco products.

EXHIBIT 3

Revised IPBO Seniority List

Police

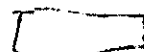
5-Feb

IBPO Seniority List
Revised

Name

Name

314	Catellier, Jody	Cadet	15-Oct-96	358	Viruet, Ricardo	15-Oct-96
315	Retired			359	Feliciano, Pablo	15-Oct-96
316	Catellier, William	Cadet	15-Oct-96	360	Larrier, J.	15-Oct-96
317	Daniels, Carl	Cadet	15-Oct-96	361	Elliot, B.	6-Apr-97
318	Condon, Annmarie	Cadet	15-Oct-96	362	Sedergren, Michael	6-Apr-97
319	Moran, Joseph	Cadet	15-Oct-96	363	Beliveau, Brian	Cadet 6-Apr-97
320	Steven Terzi	Cadet	15-Oct-96	364	Tyburski, Stephen	6-Apr-97
321	Dada, Trent	Cadet	15-Oct-96	365	Curley, Martin	Cadet 6-Apr-97
322	Tosado, John		15-Oct-96	366	Shane, J.	Cadet 6-Apr-97
323	Rosario, Juan		15-Oct-96	367	Conry, John	Cadet 6-Apr-97
324	Laviolette, Jason		15-Oct-96	368	Sedar, Edward	Cadet 6-Apr-97
325	Miller, R.		15-Oct-96	369	Reigner, Daniel	Cadet 6-Apr-97
326	Bacon, Mark		15-Oct-96	370	Twining, Christopher	6-Apr-97
327	Fitzgerald, Sean		15-Oct-96	371	Berte, William	6-Apr-97
328	Reid, Richard		15-Oct-96	372	Leblanc, Daniel	6-Apr-97
329	Johnson, Tiya		15-Oct-96	373	Dumas, Michael	6-Apr-97
330	Collins, Michael		15-Oct-96	374	Kenney, Mark II	6-Apr-97
331	Reif, Richard		15-Oct-96	375	Lebelle, Richard	6-Apr-97
332	Slattey, Derek		15-Oct-96	376	Tatro, Ronald	6-Apr-97
333	Zarelli, Thomas		15-Oct-96	377	Murphy, Sean	6-Apr-97
334	Brantley, Kimbert		15-Oct-96	378	Kelly, William	6-Apr-97
335	Kourouvacilis, Sandra		15-Oct-96	379	Vega, Rafael	6-Apr-97
336	Toledo, Julio		15-Oct-96	380	Lockwood, Howard	6-Apr-97
337	Richard, Scott		15-Oct-96	381	Ashworth, Kevin	6-Apr-97
338	Carvalho, Tracy		15-Oct-96	382	Kalish, Edward	6-Apr-97
339	Ferandes, M		15-Oct-96	383	Keenan, Brian	6-Apr-97
340	Murphy, L		15-Oct-96	384	Shink, Norman	6-Apr-97
341	Sheehan, T		15-Oct-96	385	Berrios, Angel	6-Apr-97
342	Vanzandt, Edward		15-Oct-96	386	Boudeur, Joseph	6-Apr-97
343	Goggin, M		15-Oct-96	387	Espinosa, R	6-Apr-97
344	Casillas, Aris		15-Oct-96	388	Denault, Donald	6-Apr-97
345	Donovan, James		15-Oct-96	389	Estrada, Juan	6-Apr-97
346	Hackett, Dennis		15-Oct-96	390	Hrycay, Christopher	6-Apr-97
347	Lee, Matthew		15-Oct-96	391	Kane, David	6-Apr-97
348	Moore, Monique (Turcotte)		15-Oct-96	392	Mehringer, Mark	6-Apr-97
349	Fairley, Kiesha		15-Oct-96	393	Sleeper, Jason	6-Apr-97
350	Franco, David		15-Oct-96	394	Sullivan, K.	6-Apr-97
351	Gonzalez, Raul		15-Oct-96	395	McCain, Gregory	6-Apr-97
352	Hart, Tommie		15-Oct-96	396	Trombley, Michael	6-Apr-97
353	Kakley, Thomas		15-Oct-96	397	Dudley, V	6-Apr-97
354	Quiles, Sinel Franco		15-Oct-96	398	Bell, Kevin	6-Apr-97
355	Ramirez, Carlos		15-Oct-96	399	Perez, Angel	6-Apr-97
356	Sierra, Ramon		15-Oct-96	400	Rivera, Mike	6-Apr-97
357	Mendez, Pedro		15-Oct-96	401	Sanfa, M	6-Apr-97

 - Indicates
Minority
Status

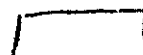
 Indicates
Cadet
Status

EXHIBIT 4

IPBO Seniority List

Before

Arbitrator's Award

313 STARR	JODY	M	10/15/96	381 ESHINOSA	RUDOLFO	E	04/06/97
314 CATELLIER	MICHAEL	J	IN MEMORY	382 KELLY	WILLIAM	E	04/06/97
315 SCHIAVINA	WILLIAM	J	10/15/96	383 ASHWORTH	KEVIN	J	04/06/97
316 CATELLIER	CARLA	M	10/15/96	384 ESTRADA	JUAN	R	04/06/97
317 DANIELE	JOSEPH	D	10/15/96	385 KALISH	EDWARD	G	04/06/97
318 MORAN	ANN MARIE		10/15/96	387 MCCAIN	GREGORY	S	04/06/97
319 CONDON	STEVEN	J	10/15/96	388 KEENAN	BRIAN	K	04/06/97
320 TERZI	TRENT	C	10/15/96	386 SHINK	NORMAN	A	04/06/97
321 DUDA	JOHN		10/15/96	389 BRODEUR	JOSEPH	E	04/06/97
322 TOSADO	JASON	A	10/15/96	390 DENAULT	DONALD	R	04/06/97
323 LAVIOLETTE	JUAN	A	10/15/96	391 HRYCAY	CHRISTOPHER	J	04/06/97
324 ROSARIO	MARK	E	10/15/96	392 BELL	KEVIN		04/06/97
325 BACON	REGINALD		10/15/96	393 KANE	DAVID	E	04/06/97
326 MILLER	SEAN	B	10/15/96	394 PEREZ	ANGEL		04/06/97
327 FITZGERALD	TIYRA	L	10/15/96	395 MEHRINGER	MARK	S	04/06/97
328 JOHNSON	RICHARD	D	10/15/96	396 RIVERA	MIKE	A	04/06/97
329 REID	SANDRA	I	10/15/96	397 SLEEPER	JASON	J	04/06/97
330 KOUROUVACILIS	JULIO	M	10/15/96	398 SANTA	MARTIN		04/06/97
331 TOLEDO	MICHAEL	A	10/15/96	399 SULLIVAN	KEVIN	J	04/06/97
332 COLLINS	RICHARD	E	10/15/96	400 TROMBLEY	MICHAEL	G	04/06/97
333 RIEF	ARISTIDES		10/15/96	401 BUZZELL	STEVEN		07/13/98
334 CASILLAS	DEREK	M	10/15/96	402 RIVAS	HERMINIO		07/13/98
335 SLATTERY	THOMAS	P	10/15/96	403 HAYGOOD	JOSH	C	07/13/98
336 ZARELLI	KEISHA		10/15/96	404 HERVIEUX	THOMAS		02/05/01
337 FAIRLEY	JENNIFER	A	10/15/96	405 MATOS	LEONARDO		02/05/01
338 TATRO	DAVID		10/15/96				
339 FRANCO	KIMBERLY	L	10/15/96				
340 BRANTLEY	RAUL		10/15/96				
341 GONZALEZ	TOMMIE	O	10/15/96				
342 HART	SCOTT	A	10/15/96				
343 RICHARD	SINEL		10/15/96				
344 FRANCO	TRACY	K	10/15/96				
345 CARVALHO	CARLOS	A	10/15/96				
346 RAMIREZ	MICHAEL	J	10/15/96				
347 FERNANDES	RAMON	A	10/15/96				
348 SIERRA	LAWRENCE	M	10/15/96				
349 MURPHY	PEDRO	R	10/15/96				
350 MENDEZ	TIMOTHY	T	10/15/96				
351 SHEEHAN	RICARDO		10/15/96				
352 VIRUET	EDWARD	G	10/15/96				
353 VANZANDT	PABLO	L	10/15/96				
354 FELICIANO	JASON	E	10/15/96				
355 LARRIER	MICHAEL	W	10/15/96				
356 GOGGIN	JAMES	M	10/15/96				
357 DONOVAN	DENNIS	L	10/15/96				
358 HACKETT, JR.	MONIQUE	B	10/15/96				
359 TURCOTTE	MATTHEW	J	10/15/96				
360 LEE	THOMAS	J	10/15/96				
361 KAKLEY	BRIAN	W	04/06/97				
362 ELLIOTT	MICHAEL	J	04/06/97				
363 SEDERGREN	BRIAN	G	04/06/97				
364 BELIVEAU	STEPHEN	J	04/06/97				
365 TYBURSKI	MARTIN	F	04/06/97				
366 CURLEY	JOHN	H	04/06/97				
367 COREY	EDWARD	J	04/06/97				
368 SEDER	DANIEL	J	04/06/97				
369 REIGNER	CHRISTOPHER		04/06/97				
370 TWISSING	WILLIAM	D	04/06/97				
371 BERTÉ	DANIEL		04/06/97				
372 LEBLANC	MICHAEL	S	04/06/97				
373 DUMAS	MARK	E	04/06/97				
374 KENNEY, II	RAFAEL		04/06/97				
375 VEGA	RICHARD	R	04/06/97				
376 LABELLE	HOWARD	R	04/06/97				
377 LOCKWOOD	RONALD	M	04/06/97				
378 TATRO	ANGEL	L	04/06/97				
379 BERRIOS	SEAN	P	04/06/97				
380 MURPHY							

APPENDIX C

MEDICAL EXAMINATIONS & PHYSICAL ABILITIES TEST (PAT)

MEDICAL EXAMINATIONS

Initial-Hire Medical Examinations for Massachusetts Municipal Firefighters must be conducted in accordance with the guidelines and requirements of HRD's Physician's Guide - Initial Hire Medical Standards for Municipal Firefighters. Copies of the Medical Standards and the Medical Examination form are available on HRD's website at: http://www.hrd.state.ma.us/employment/EM_PAT/PAT_candidate_information%20.htm.

HRD medical examinations for public safety appointees are valid for 6 (six) months. In the event that an appointee fails his or her medical examination he or she has the right to appeal this failure to HRD or undergo a second medical examination (subject to prior-approval of HRD). For further information concerning the medical examination process or the Initial-Hire Medical Standards, please contact Kristen Bluemmel, Senior Personnel Analyst at (617) 727-3777, extension 507.

PHYSICAL ABILITIES TEST

The Human Resources Division (HRD) conducts Physical Abilities Testing for firefighter candidates on a regular basis at multiple National Guard Armories across Massachusetts. Appointing authorities must schedule each candidate's PAT previews and tests in advance with HRD staff. HRD will not allow candidate's to schedule themselves for a PAT preview or test.

The appointing authority must ensure that prior to schedule a Physical Abilities Test (PAT) preview or PAT test for a candidate, the individual must have successfully passed a medical examination, and the appointing authority has forwarded pages 1 and 6 of the completed and signed Medical Examination Form to the Human Resources Division. Candidates appearing for a PAT who have not been scheduled in advance with HRD will not be allowed to preview or test. Please note that PAT's and Previews may be subject to postponement if an insufficient number of candidates are scheduled to participate.

All candidates who have been schedule for a PAT preview must bring positive photo I.D. PAT previews are available at no charge. All candidates schedule for a PAT test must bring positive photo I.D., and a \$50.00 bank check or money order made payable to the Commonwealth of Massachusetts (for the test date only.)

PAT results are valid for 6 (six) months. In the event that an appointee fails his or her PAT, he or she may attempt to 1 (one) re-test of the PAT. This is no appeal of a failure of a PAT.

Directions to HRD's firefighter PAT sites, and the current PAT test and preview schedule are available on HRD's website at: http://www.hrd.state.ma.us/employment/EM_PAT/FY2003_Interim_Schedule.xls.

HRD asks that you contact Phil Ierardi, Senior Personnel Analyst, at (617) 727-3777 extension 504, if you wish to schedule a PAT test or preview, or if you have any questions regarding the PAT itself.

APPENDIX D

POLICE ACADEMY DATES MEMORANDUM

The procedures outlined below have been developed by the Human Resources Division to satisfy the requirements of MGL Chapter 32, Chapter 932 of the Acts of 1977, and of the Personnel Administration Rules relative to the appointment of Police Officer candidates and the mandatory participation of those appointees in Basic Police Recruit Training at the Police Academies.

Appointing authorities may utilize the following procedure when the effective date of employment must be delayed pending an academy vacancy:

Step 1 – After a requisition is received in this Department, a certified list of candidates who have passed the written examination is forwarded to the appointing authority.

Step 2 – The appointing authority conducts the interview and screening of candidates and makes selections in accordance with law, rule, and applicable consent decrees.

Step 3 – The appointing authority prepares a letter identifying those whose appointment form must be held pending an academy date.

Step 4 – The certification and report forms are returned to the Civil Service Unit, Human Resources Division, identifying those candidates who have been selected. The packet should contain completed appointment forms for those who begin actual employment or the academy within thirty days, together with the letter referenced in Step 3 for all other appointees.

Step 5 – The Civil Service Unit audits the certification to insure that the selections are in order and approves appointments not subject to Step 3.

Step 6 – Thirty days prior to the academy date, the appointing authority forwards to the Civil Service Unit the completed and signed Authorization of Employment Form for those identified in Step 3, indicating the date employment begins, which will be the first date of the training program.

Step 7 – The new appointment form is reviewed by the Civil Service Unit for approval and approved copies are forwarded to the Auditor or Accountant for that municipality for payroll purposes.

Questions relative to this procedure may be addressed to the Civil Service Unit, Human Resources Division at 617-727-3777.

APPENDIX E**POLICE RESERVE FORCE LIMITATION****REGULAR AND RESERVE TABLE - CITIES**(Fire - G.L. Ch. 48, Sec. 59CPolice - G.L. Ch. 147, Sec. 12)

NUMBER OF REGULARS	NUMBER OF RESERVES ALLOWED	NUMBER OF REGULARS	NUMBER OF RESERVES ALLOWED	NUMBER OF REGULARS	NUMBER OF RESERVES ALLOWED
1-17	5	80- 89	20	240-249	36
18-20	6	90- 99	21	150-259	37
21-23	7	100-109	22	260-269	38
24-26	8	110-119	23	270-279	39
27-29	9	120-129	24	280-289	40
30-34	10	130-139	25	290-299	41
35-39	11	140-149	26	300-309	42
40-44	12	150-159	27	310-319	43
45-49	13	160-169	28	320-329	44
50-54	14	170-179	29	330-339	45
55-59	15	180-189	30	340-349	46
60-64	16	190-199	31	350-359	47
65-69	17	200-209	32	360-369	48
70-74	18	210-219	33	370-379	49
75-79	19	220-229	34	380-389	50
		230-239	35		

Section 12. Reserve Police Force in Certain Cities.**Number of Members.**

The number of members of such reserve force shall not exceed five in cities in which the number of members of the regular force does not exceed fifteen. If the number of members of the regular force exceeds fifteen, one member may be added to the reserve force for every three of the regular force above fifteen and not above thirty; one for

every five of the regular force above thirty and not above eighty; and one for every ten of the regular force above eighty. (1986, 314, s.2; RL 108, S.27.)

APPENDIX F

PROCESS FOR REQUESTING EXEMPTION FROM CONSENT DECREE

Public Safety Appointing Authorities subject to the provisions of the *Castro v. Beecher* (Police) and *NAACP v. Beecher* (Fire) federal consent decrees have requested information regarding the process and the criteria for seeking approval for exemption from these decrees.

An Appointing Authority who believes that the Police or Fire Department has met the requirements of the applicable decree should take the following steps:

1. Check the most recent federal census to determine:
 - a. Total population of the municipality
 - b. Total Black and Hispanic population of the municipality
 - c. The actual percentage of the total population which is Black or Hispanic and determined by that census
2. Compare the statistics gained from the census with information specific to the Fire or Police Department under consideration:
 - a. Determine the total number of authorized positions in the permanent full-time uniformed force in the Department
 - b. Verify the total number of post-probationary (tenured) full-time permanent Black or Hispanic members of the uniformed force
 - c. Determine the actual percentage of the authorized uniformed permanent full-time force which is made up of tenured Black or Hispanic officers of any rank
3. If the percentage of tenured Black and Hispanic officers in the municipal force equals or exceeds the percentage of Black and Hispanic members of the municipal population, a request for review of exemption may be filed with the Human Resources Division:
 - a. A letter requesting such exemption should be forwarded over the signature of the Appointing Authority to the Personnel Administrator, Human Resources Division, Room 301, One Ashburton Place, Boston, MA 02108.
 - b. The letter should detail all facts and statistics determined in steps 1 – 3 above.
 - c. The Appointing Authority should include with the request a listing (by name, ethnic identity, and permanent appointment date) of all tenured Black and Hispanic officers employed in the municipal Police or Fire Force.

The information will be reviewed by the Human Resources Division and by the Counsel for the plaintiffs under the NAACP and Castro consent decrees.

Written notice of the decision regarding the exemption request will, in most cases, be forwarded to the community within thirty days of the completed request.

It should be noted that no request for exemption should be filed if the minority members of the police or fire force have not yet completed their probationary periods or if a certification issued in consent decree format is

outstanding. Requests for exemption based solely on a change in population figures will not be approved by Counsel for the Plaintiffs and should not be submitted.

Should you have questions regarding the information contained in this document, please contact the Civil Service Unit at 617-727-3777.

APPENDIX G

POST-APPOINTMENT SMOKING PROHIBITION

QUESTIONS AND ANSWERS ON THE SMOKING PROHIBITION FOR MUNICIPAL POLICE AND FIRE DEPARTMENTS UNDER CIVIL SERVICE:

1. What is the authority for the smoking prohibition?

The rule has been adopted under the authority of the Pension Reform Act, Ch. 697 of the Acts of 1987. Section 117 of the Act adds the following to Chapter 41 of the General Laws:

“Section 101A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a police officer or firefighter in a city or town, and no person so appointed after said date shall continue in such officer or position if such person thereafter smokes any tobacco products. The personnel administrator shall promulgate regulations for the implementation of this section.”

2. Who is covered by the smoking prohibition?

The prohibition applies to appointments from an eligible list established from examinations given after January 1, 1988. This means police officers appointed from certifications being issued from the March 1988 exam are COVERED; fire fighters appointed from certifications being issued from the December 1987, exam are NOT COVERED. Fire fighters appointed from lists developed from the next fire fighter exam will be covered.

Employees appointed prior to the coverage date are “grandfathered” with respect to the prohibition.

Note that this includes ALL personnel REGARDLESS of stature: provisional, temporary or permanent; full-time, part-time, intermittent or reserve.

3. What happens when a police officers or fire fighter is promoted?

If an employee covered by the prohibition is promoted to a higher rank, he or she continues to be covered by the rule. If the employee has been “grandfathered,” promotion does not bring him or her under the prohibition, even if the promotion occurs after January 1, 1988. The narrow exception is that a “grandfathered” employee promoted to the position of “chief” through an open competitive exam WILL BE COVERED, since the promotion is treated as an original appointment.

4. What conduct is prohibited?

Employees to whom the prohibition applies may not, subsequent to appointment, smoke any tobacco product at any time whatsoever. This includes cigars, cigarettes, pipes or any other tobacco product; and includes time when the employee is on duty, off duty, on sick leave, vacation, leave of absence, and any and all other status.

5. Who enforces the rule?

The **appointing authority** is responsible for enforcement of the smoking prohibition.

6. What happens if a covered employee violates the rule?

He or she is entitled to a hearing, procedures for which are outlined in the rule. If it is established that the rule was violated, the employee must be terminated from his or her position. The employee could, however, be retained in another capacity not covered by the smoking prohibition.

7. How are prospective employees notified of the smoking prohibition?

Applicants for civil service examinations for covered positions will be notified by the Human Resources Division.

Further, it is recommended that appointing authorities confirm that candidates selected for appointment understand the smoking prohibition and consequences of violation. They may wish to have appointees acknowledge notification in writing. A sample form might include the text of Ch. 41, sec. 101A (see item # 1, above); and include the following, to be signed and dated:

“I understand that I am prohibited by law from smoking tobacco products, at any time, as long as I am employed by the (city/town of [blank]) as a (police officer/fire fighter), regardless of rank, and that I must be terminated if I smoke.”

8. Why was the law enacted and this rule adopted?

Police officers and fire fighters are eligible for special retirement benefits for impairment of health due to hypertension or heart disease, under the provisions of MGL Ch. 32 sec. 94, know as the “Heart Law.” Tobacco smoking has been identified as a contributing risk factor in heart disease and hypertension; and heart disease is a leading cause of disability retirement among public safety personnel. The legislature has determined that henceforth employment in positions with Heart Law benefits will not be available to persons who be smoking increase their own risk of heart disease and hypertension.

9. Where should specific questions be addressed?

The staff of two offices of the Human Resources Division are available to answer questions: the Civil Service Unit, at 617-727-3777; and the Office of Legal Counsel, at 617-727-3770.